

**Application for VARIANCE OF USE
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

Instruction Sheet

1. A pre-filing conference is required for all Board of Zoning Appeals (BZA) petitions. An appointment must be made with a staff planner to discuss a petition prior to filing for a hearing before the Board of Zoning Appeals.
2. If the applicant is not the property owner, the applicant shall demonstrate consent of the property owner in order to file a petition. The applicant shall provide a signed and dated document outlining the property owner's permission in representing their interests at the time of filing any petition.
3. All responses provided on the application and other required materials shall be legible.
4. Staff will provide all information submitted with your case to the members of the BZA prior to the meeting date. Submittals must be in an 8.5" x 11" or 11" x 17" format in order to be reproduced for the BZA packets.
5. If the petitioner wishes to submit color diagrams or graphics, the petitioner shall provide 20 color copies 10 days prior to the hearing date.
6. Meetings are held on the third Monday of each month at 7:00 p.m. at the Westfield Town Hall, 130 Penn Street, Westfield Indiana 46074 unless otherwise noted.
7. Please print your name and address on the sign-in sheet provided at the podium in the front of the assembly hall prior to the beginning of the BZA meeting.
8. In no event shall petitioners contact or attempt to communicate with members of the BZA in regard to this variance application and/or hearing prior to the BZA meeting.
9. If you have any questions regarding this application procedure, please contact the Community Development Department at (317) 896-5577.

PROCEDURAL STEPS

The following steps must be completed prior to any petition receiving a hearing before the Board of Zoning Appeals. It is the sole responsibility of the petitioner in satisfying the procedural process as set forth by the Board of Zoning Appeals. Failure to comply with these procedural steps will delay the hearing process.

Pre-filing Conference:

- Petitioner schedules a meeting with staff and designates a contact person. If plans are submitted, staff has 5 business days to review all plans and make recommendations.
- Petitioners will be provided copies of all relevant codes, TAC contact information, and filing fees and deadlines.

Filing:

- Filing deadlines have been established by the Westfield Town Council—all materials required for filing shall be submitted on the appropriate filing date.
- BZA docket number(s) shall be assigned and all filing fees must be paid at the time of filing.

Public Notice:

- All public hearings before the BZA require that public notice be provided 21 days prior to the BZA hearing.
- The applicant is responsible for mailing notice to adjacent property owners and posting the site 21 days prior to the BZA hearing.
- Department staff is responsible for submitting hearing notice to a general circulation newspaper 21 days prior to the BZA hearing.

Public Hearing:

- All proposals subject to BZA review must undergo a public hearing.

Petition Number: _____
Date of Filing: _____

**Application for VARIANCE OF USE
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This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name _____
Address _____
Telephone Number _____
2. Landowner's Name _____
Address _____
Telephone Number _____
3. *Representative _____
*Address _____
*Telephone Number _____
*Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)

5. Legal description of property (list below or attach)

6. Complete description of the nature of the variance of use applied for:

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of use shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:

- b. That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner:

- c. That the need for the variance of use arises from some condition particular to the property involved:

TOWN OF WESTFIELD, INDIANA

- d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

- e. That such variance does not interfere substantially with the comprehensive plan:

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Applicant

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 20____.

Notary Public

My commission expires: _____

NOTICE REQUIREMENT

The appellant is responsible for giving appropriate notice of his/her variance request by: (1) mailing notice to neighboring landowners and (2) posting an informational sign on the property. Persons to be notified by mail include all fee simple owners of real property to a depth of two (2) ownerships bearing no direct or indirect interest in the petition or all properties within one-eighth of a mile (1/8), whichever is less.

1. Certified Mail:

- a. All interested parties must be served notice of your hearing request via certified mail.
- b. Return certified mail receipts shall be delivered to the Community Development Department of the Town of Westfield, Indiana no later than the Friday prior to the public hearing by 4:00 p.m. In the event the petitioner receives back any of the certified letters as undeliverable items, such unopened envelopes should be submitted to the Community Development Department in lieu of delivery receipts.
- c. A list of adjacent property owners may be obtained from the Hamilton County Auditor:

Office of Transfers and Mapping
33 North 9th Street
Noblesville, IN 46060
(317) 776-9624

2. Posting the Property:

- a. For all appeals which require public notice, the petitioner shall post at a minimum one sign on all street frontages. The Community Development Department will determine posting locations for signs.
- b. The Community Development Department will make signs available in the office of the Department.

3. Newspaper Publication

- a. Notice must be published twice in a daily newspaper of general circulation in Hamilton County, at least twenty-one (21) days prior to the BZA hearing.
- b. The Community Development Department will take care of this requirement.

SAMPLE LEGAL NOTICE

WESTFIELD-WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS

The Board of Zoning Appeals will meet on the ____ day of ____ 200__, at 7:00 p.m. at Westfield Town Hall, 130 Penn Street, Westfield, Indiana 46074 for the purposes of holding public hearings and acting on the following case(s):

0001-SE-001 – Kid Care – 1111 Main Road. The appellant is requesting a special exception to legally establish a child day care facility at this location.

0001-SE-002 – Kid Care – 1111 Main Road. The appellant is requesting a special exception to legally establish a child day care facility at this location.

Case files are available for public review in the Community Development Department, Westfield Town Hall. Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place.

Westfield-Washington Township Board of Zoning Appeals

By: John Doe, Petitioner
Address
Phone Number